

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Josef OTT**

Docket No: Q95051

Appl. No.: National stage of PCT/CH 2004/000700

Group Art Unit: (not yet assigned)

Application No: 10/580,344

Examiner: (not yet assigned)

Filed: 19. November 2004

For: SEAL FOR EFFECTING A SEALING BETWEEN PARTS HAVING LIMITED
MOBILITY

DECLARATION OF STEFAN DAY

Commissioner for Patents
Washington, C.C. 20231

Sir:

I, Stefan DAY, hereby declare and state:

THAT this declaration concerns the circumstances under which Mr. Josef Ott, named inventor of PCT International Applications PCT/CH 2004/000700 was requested and refused to sign papers necessary for regional extension. This declaration is an amendment of my declaration May 3, 2006 in order to address the reservations contained in the decision of the US PTO, Commissioner for Patents, August 30, 2007 (the Decision).

THAT my name is Stefan Day. I am Citizen of Switzerland and live at Forchstrasse 146 in 8032 Zurich, Switzerland. I am an Attorney-at-Law and admitted to represent parties in litigation in all courts in Switzerland, including the Swiss Federal Court, highest court in Switzerland.

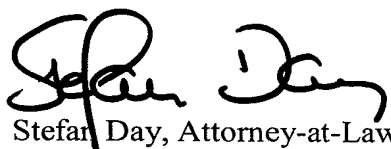
Based on the considerations in the Decision I mailed to Mr. Josef Ott on October 8, 2007 again a request (the Request) for signing the necessary documents to pursue the application at issue. The Request – written in German and English – required Mr. Josef Ott to sign and return the documents within a three weeks period. The documents submitted to Mr. Josef Ott were according to the specific language of the letter and the enclosures mentioned (i) the specifications, Claims and Drawings “WO 2005/052415 PCT/CH2004/000700, (ii)

Declaration and Power of Attorney PCT/CH2004/000700 and (iii) Assignment
PCT/CH2004/000700. Copy of the Request is attached as **Exhibit B1**.

Mr. Josef Ott has received the Request as documented by his signature on the
"Rückschein" (=receipt) of the Swiss postal service on October 9, 2007. Until the end of the
deadline on October 30, I have not received the documents contained in the Request from Mr.
Josef Ott. Mr. Josef Ott however called me on October 26, 2007 and made it clear, that he will
not return the documents requested by me on behalf of Weidmann Plastics Technology AG.
The receipt from the Swiss postal service is attached as **Exhibit B2**.

For and on behalf of Weidmann I furthermore submit the "Reglement für Mitglieder des
Managements" (= Rules for the Members of Management) in force in the years 2001 to 2004,
i.e. at the time at issue. The documents contains details to the employment agreement, most of
them totally unrelated to the case at hand, such as company goals, management levels and
titles, working hours and days off etc.. To the point is only the one paragraph under the title
6.18 "Duties of the Members of Management" on page 14. Therefore a translation is
provided for only such paragraph and the Examiner is kindly requested to inform applicant, if
a translation of the entire 16 pages is considered meaningful and required. The Document,
carrying the printing date "10.12.2003" in the footer, is attached as **Exhibit B3**; the translation
of title 6.18 by the undersigned is attached as **Exhibit B4**.

Signed in Zurich on December 6, 2007


Stefan Day, Attorney-at-Law

Exhibits: B1 to B4